

REMARKS

Applicant has made a good faith effort to advance prosecution of this application by filing a Request for Continued Examination (RCE) and submitting a single method claim 21 with supporting argument. This method claim was in response to the Examiner's comments regarding "intended use" in the previously pending apparatus claims. The Examiner reminds the applicant that it may not switch inventions (i.e., file a divisional equivalent) "as a matter of right" with a RCE, and deems the submission "not fully responsive."

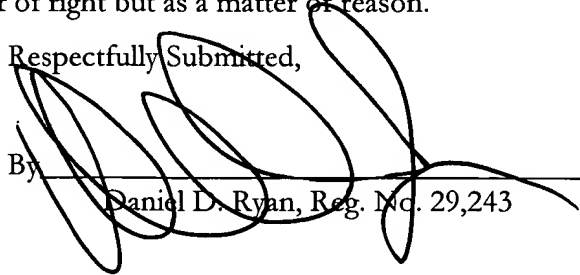
Applicant is not requesting consideration of the method claim as a "matter of right" but as a matter of advancing prosecution to closure. After four office actions, the issues are well developed and understood in this application. The method claim does not add new matter, nor does it raise new search issues. Under the circumstances, the applicant was hopeful that the Examiner would view the method claim as a good faith effort to advance prosecution and continue examination of the claim. Instead, the Examiner has required the applicant to return to the end of the queue and begin prosecution anew.

Regretfully, applicant has this day filed a divisional application, to wait a couple of more years for prosecution of a claim that could have been examined in the course of a couple of more months.

In view of the backlog of the Patent Office and its stated objective to make prosecution more timely, applicant respectfully requests reexamination and reconsideration of amended method claim 21 in the context of a RCE, not a matter of right but as a matter of reason.

Respectfully Submitted,

By


Daniel D. Ryan, Reg. No. 29,243

RYAN KROMHOLZ & MANION, S.C.
Post Office Box 26618
Milwaukee, Wisconsin 53226
(262) 783 - 1300
Customer No.: 26308